

Express Mail Label No. **EV 855947780JS**

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Docket No.  
HOI-13402/16**Declaration and Power of Attorney For Patent Application****English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ELECTRO-THERAPEUTIC DEVICE AND METHOD OF ELECTRO-THERAPEUTIC TREATMENT**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on June 30, 2005 as United States Application No. or PCT International

Application Number 10/541,105

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application(s)</u>		<u>Priority Claimed</u>
<u>PA 2003 00009</u>	<u>Denmark</u>	<u>08 January 2003</u>
(Number)	(Country)	(Day/Month/Year Filed) <input checked="" type="checkbox"/>
<u>                    </u>	<u>                    </u>	<u>                    </u> <input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)
<u>                    </u>	<u>                    </u>	<u>                    </u> <input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/DK2003/000891

18 December 2003

pending

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

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(Filing Date)

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(Status)  
(patented, pending, abandoned)

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(Application Serial No.)

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(Filing Date)

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(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

**I HEREBY APPOINT THE PRACTITIONERS  
ASSOCIATED WITH CUSTOMER NUMBER 25006**

**Send Correspondence to:** Ronald W. Citkowski  
Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C.  
P.O. Box 7021  
Troy, MI 48007-7021

**Direct Telephone Calls to:** *(name and telephone number)*  
Ronald W. Citkowski 248-647-6000

Full name of sole or first inventor <b>Jorgen Christian Sondergaard (deceased)</b>	
Sole or first inventor's signature	Date
Residence <b>Rojlevangen 112, DK-2630 Taastrup, Denmark</b>	
Citizenship <b>Danish</b>	
Post Office Address <b>Rojlevangen 112, DK-2630 Taastrup, Denmark</b>	

Full name of second inventor, if any <b>Birthe Sondergaard (legal representative of the deceased inventor)</b>	
Second inventor's signature <i>Birthe Sondergaard.</i>	Date <i>2-4-06</i>
Residence <b>Rojlevangen 112, DK-2630 Taastrup, Denmark</b>	
Citizenship <b>Danish</b>	
Post Office Address <b>Rojlevangen 112, DK-2630 Taastrup, Denmark</b>	



28 FEB 2006

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Ronald W. Citkowski  
GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.  
P.O. Box 7021  
Troy, MI 48007-7021

In re Application of  
SONDERGAARD, Jorgen Christian  
Application No.: 10/541,105  
PCT No.: PCT/DK2003/00891  
Int. Filing Date: 18 December 2003  
Priority Date: 8 January 2003  
Attorney Docket No. HOI-13402/16  
For: ELECTRO-THERAPEUTIC DEVICE  
AND METHOD OF ELECTRO-  
THERAPEUTIC TREATMENT

Declaration  
put: 3-18-06  
due: 4-18-06  
**DECISION**

COPY

This is a decision on the declaration filed on 19 August 2005 which has been treated as a petition under 37 CFR 1.42. No fee is required.

### BACKGROUND

On 30 June 2005, applicant filed papers to enter the national stage of PCT/DK2003/00891 which was accompanied by, *inter alia*, an unexecuted declaration.

On 19 August 2005, applicant filed a declaration executed by the legal representative of the deceased sole inventor, Jorgen Christian Sondergaard).

### DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Birthe Sondergaard executed the declaration as the legal representative of the deceased inventor. However, this declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

The citizenship, residence and address of the legal representative must be recorded on the declaration pursuant to 37 CFR 1.497(b)(2), along with the required information for the deceased inventor. Here, the citizenship, residence and address information is listed once and it is not clear whether this information is for the legal

representative or the deceased inventor. Regardless, this information must be recorded separately on the declaration for each. It is also noted that it is irrelevant whether the citizenship, residence and address information is the same for the deceased inventor and legal representative.

### CONCLUSION

For the reason listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302

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